

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL McBRIDE, as parent and guardian
for L.M., a minor child,

Plaintiff,

v.

VF OUTDOOR, LLC, a foreign corporation,
dba LUCY, JOHN DOE, and JOHN DOE
COMPANY,

Defendants.

Case No. 2:16-cv-00754 RSL

STIPULATION AND ORDER
NARROWING THE SCOPE OF
CONTESTED ISSUES FOR TRIAL

In an effort to reduce the issues requiring resolution at the trial in this matter, Plaintiff Michael McBride, as parent and guardian for L.M., and Defendant VF Outdoor, LLC doing business as lacy ("Defendant"), hereby stipulate as follows:

1. Defendant accepts liability for the incident where L.M. was cut on her left arm by a pin protruding out of a hinge on a fitting room door on the Defendant's retail store premises which occurred on October 4, 2014.
2. The cut to L.M.'s left arm was proximately caused by the negligence of Defendant.
3. Defendant withdraws its affirmative defense of comparative fault and will not request a jury instruction instructing the jury to assign a percentage of fault to L.M. or her parents, Michael and Shay McBride.

STIPULATION AND ORDER NARROWING THE
SCOPE OF CONTESTED ISSUES FOR TRIAL : CASE
NO. 2:16-CV-00754 RSL - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

1 4. The parties agree and stipulate that the total amount of past medical special
2 damages Plaintiff will recover in this case is \$5,041.61, as set forth in Exhibit
3 A to the Declaration of Michael Blatner, MD (Doc 24); as that medical care,
4 reflected in Exhibit A, was necessary to treat the injury to L.M.'s left arm that
5 occurred on the Defendant's premises on October 4, 2014, and the amount of
6 the past medical bills were a reasonable value.

7
8 Accordingly, Plaintiff and Defendant further agree and stipulate that the contested issues at
9 trial in this matter will be a determination of (1) whether Plaintiff proves future medical
10 expenses (including causation, necessity and reasonableness) and, if so, in what amount and
11 (2) general damages proximately caused by the injury to L.M.'s left arm that occurred on
12 October 4, 2014.

13
14
15 DATED this 18th day of April, 2017

16
17 SCOTT MCDONALD AND ASSOCIATES
18 PLLC

SCHWABE, WILLIAMSON & WYATT,
P.C.

19 By: s/ Scott A. McDonald
20 Scott A. McDonald, WSBA #14449
Attorney for Plaintiff

By: s/ Farron D. Curry
Farron D. Curry, WSBA #40559
Ryan W. Dumm, WSBA #40559
Attorneys for Defendant, VF Outdoor, LLC

21
22
23
24
25
26
STIPULATION AND ORDER NARROWING THE
SCOPE OF CONTESTED ISSUES FOR TRIAL : CASE
NO. 2:16-CV-00754 RSL - 2

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

ORDER

Based on the foregoing stipulations, it is hereby ORDERED that:

1. Defendant is liable to Plaintiff for the incident at issue in this case which occurred on October 14, 2014.
2. The cut to L.M.'s left arm was proximately caused by the negligence of Defendant.
3. The jury will not receive a comparative fault instruction instructing it to assign a percentage of fault for the incident at issue in this case to L.M. or her parents, Michael and Shay McBride.
4. The jury will not decide the amount of past special damages awarded to Plaintiff. Plaintiff will receive \$5,041.61 for past medical expenses.
5. The issues at trial in this matter will be limited to the following damages determinations: (a) whether Plaintiff proves future medical expenses (including causation, necessity and reasonableness) and, if so, in what amount and (b) general damages proximately caused by the injury to L.M.'s left arm that occurred on October 4, 2014..

SIGNED this

24th day of April, 2017

Robert S. Lasnik

Judge Robert S. Lasnik

///

STIPULATION AND ORDER NARROWING THE
SCOPE OF CONTESTED ISSUES FOR TRIAL : CASE
NO. 2:16-CV-00754 RSL - 3

PDX\126488\215393\FDLA\20517821.1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

1 Presented by:

2 SCHWABE, WILLIAMSON & WYATT, P.C.

3 By: s/ Farron D. Curry

4 Farron D. Curry, WSBA #40559

5 *Attorneys for Defendant, VF Outdoor, LLC*

6 SCOTT MCDONALD AND ASSOCIATES PLLC

7 By: s/ Scott A. McDonald

8 Scott A. McDonald, WSBA #14449

9 *Attorney for Plaintiff*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

STIPULATION AND ORDER NARROWING THE
SCOPE OF CONTESTED ISSUES FOR TRIAL : CASE
NO. 2:16-CV-00754 RSL - 4

PDX\126488\215393\FDL\20517821.1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.522.1711